



D-1077+1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
<b>Jay Paul Drummond, et al.</b>	)	
	)	
Application No.: <b>09/193,787</b>	)	Art Unit 3685
	)	
Confirmation No.: <b>2446</b>	)	
	)	
Filed: <b>November 17, 1998</b>	)	Patent Examiner
	)	Jalatee Worjloh
Title: <b>Automated Banking Machine</b>	)	
<b>Apparatus and System</b>	)	

Mail Stop Patent Ext.  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR PATENT TERM REVIEW**

Appropriately enter this paper without prejudice as either: (1) a petition under 37 CFR 1.181; (2) an application for patent term adjustment; and/or (3) a petition under 37 CFR 1.182. If necessary, charge the fee set forth in either 37 CFR 1.17(h) and/or 37 CFR 1.18(e) to Deposit Account 09-0428. The Applicants respectfully submit that the Notice of Allowance dated April 30, 2009 does not reflect the correct length of patent term modification entitled to Applicants, which is at least six (6) years (i.e., 2,190 days).

37 CFR 1.702 applies to patent applications “filed” on or after May 29, 2000. Applicants respectfully submit that 37 CFR 1.702 encompasses applications that have a filing date “on or after” (i.e., as of) May 29, 2000. As of May 29, 2000 the present application had a filing date. Thus, on May 29, 2000 the present application was considered “filed” for purposes of 37 CFR 1.702. As a result, the present application is eligible for the patent term adjustment provisions under 35 U.S.C. § 154(b) (amended) and 37 CFR 1.702-1.705. However, the adjusted patent term indicated (i.e., zero days) with the Notice of Allowance does not accurately reflect the time entitled to Applicants as a result of this eligibility.

The patent will not be subject to a terminal disclaimer that expressly states an expiration date. Thus, the patent will not be subject to a terminal disclaimer under the provision of 35 U.S.C. § 154(b)(2)(B). Nor were there any circumstances constituting a failure by Applicants to engage in reasonable efforts to conclude processing or examination of the present application.

37 CFR 1.703(b) pertains to the provisions of 35 U.S.C. § 154(b)(1)(B) and indicates that the period of adjustment under 37 CFR 1.702(b) is the number of days in the period beginning on the day after the date that is three (3) years after the date on which the application was filed and ending on the date a patent was issued.

As discussed above, for purposes of 37 CFR 1.702 the present application was filed on May 29, 2000. Three (3) years after this filing date is May 29, 2003. As a result, the present application is entitled to at least six (6) years (5/29/2003 to 5/29/2009) of patent term modification.

**Additional factors for lengthening the patent term**

Regardless of any decision on the above request for patent term modification (term adjustment and/or extension), Applicants should nonetheless be granted additional patent term time under 37 CFR 1.182 (or another pertinent rule) due to the extraordinary length of prosecution history, which was caused by the Office. For example, the record shows that this application received a non-final rejection on at least nine different occasions. Also, each of the five appeal briefs resulted in a prosecution reopening. Prosecution was even reopened after a BPAI decision. The following dates and papers are associated with this application:

- |     |          |  |
|-----|----------|--|
| 1.  | 11/05/01 | 1st Non-final Rejection                      |
| 2.  | 04/16/02 | 2nd Non-final Rejection                      |
| 3.  | 06/24/02 | 1st Appeal Brief                             |
| 4.  | 09/16/02 | 3rd Non-final Rejection                      |
| 5.  | 01/17/03 | 2nd Appeal Brief                             |
| 6.  | 10/08/03 | BPAI Decision on Appeal -- Examiner Reversed |
| 7.  | 07/28/04 | 4th Non-final Rejection                      |
| 8.  | 12/17/04 | 3rd Appeal Brief                             |
| 9.  | 10/18/05 | 5th Non-final Rejection                      |
| 10. | 02/16/06 | 6th Non-final Rejection                      |
| 11. | 05/09/06 | 7th Non-final Rejection                      |
| 12. | 11/06/06 | 4th Appeal Brief                             |
| 13. | 05/03/07 | 8th Non-final Rejection                      |
| 14. | 12/28/07 | 5th Appeal Brief                             |
| 15. | 06/24/08 | 9th Non-final Rejection                      |

As factually evidenced by the prosecution history, the Office's propensity to continuously prosecute this application for more than ten years was not in conformance with the Office's normal and expected examining procedures, especially with regard to "compact prosecution." The time taken by the Office to prosecute this application (greater than 10 years) is already longer than half of a normal full patent term (20 years).

Since this application was pending more than five years, according to Office rules (e.g., MPEP § 708.01(I)) it was to be treated as a "special" case by being advanced out of turn for expedited examination. The Office must have misunderstood its own rules, because instead of ending application prosecution it added five more years of prosecution. One skilled in patent prosecution would recognize that the record shows that many of the time periods taken by the Office to issue an Office Action were outrageously abnormal.

The obfuscation and delay by the examining Group, as evidenced by the record, showed a pattern of arbitrary and capricious action, and evidence of willful or wanton misconduct, against Applicants. The repeated imposition of new grounds of rejection by the Office also denied Applicants final judicial review of the Office's refusal to grant their application for patent, which constituted an abuse of agency authority. Such actions by the Office violated the Administrative Procedures Act, 5 U.S.C. § 701 *et seq.* Such agency action also violated the fundamental legal principle that an administrative agency may not avoid review of its actions by engaging in repetitive activity which does not remain in place long enough to enable judicial review. *Southern Pacific Terminal Co. v. Interstate Commerce Com.*, 219 U.S. 498, 55 L.Ed. 310, 31 S. Cr. 279 (1911).

The record shows that for more than ten years the Applicants were stuck in a black hole of endless prosecution reopenings. Even after the rare sole occasion when review by the BPAI was permitted by the Office, which resulted in the Office being completely reversed, the Office yet again predictably reopened prosecution. One skilled in patent prosecution, in view of the record, would question whether the Office made a non-public secret decision early in prosecution to purposely deny grant of patent (and patent term) through intentional prolonged prosecution.

Because of the assigned unit's inability to efficiently examine this application, Applicants repeatedly requested that this application be transferred to an examining unit of the Office that was capable of meeting the stated "compact" prosecution goals of the Office. For example, note Applicants' transfer requests in their appeal brief dated December 17, 2004 (at page 6, lines 1-3); their appeal brief dated November 6, 2006 (at page 6, lines 5-7); and their appeal brief dated December 28, 2007 (at page 6, lines 6-8), etc. Unfortunately, the record shows that Applicants' many requests for application transfer were all disregarded by the Office.

Applicants also directly informed the appropriate USPTO officials about the inefficient, costly, and reckless examination of this application. Attached is a copy of an e-mail dated May 11, 2004 which was sent to both TC 3600 Director John Love and SPE James Trammel (who was at that time the SPE of the application). Applicants brought to the attention of these officials that prosecution on this application was "reopened multiple times" and that the Office was causing "unnecessary delays." Applicants also requested that these officials "look into whether these prosecution reopenings constitute arbitrary and capricious actions" against Applicants. Applicants' request was ignored by the Office, which resulted in many more years of unorthodox prosecution.

Applicants never gave up in their effort to advance prosecution toward allowance. Nor would the Applicants permit the Office to bully them into abandonment. Attached is a copy of a letter dated January 25, 2005 that Applicants directly mailed to Director John Love. The letter specifically informed the Director of the “inordinate number” of harmful prosecution reopenings that were occurring in the application. The letter pointed out that the “most recent” prosecution reopening “was based on a reference having an effective filing date after the filing date of this Application”, and that the reopening followed a BPAI decision that grant of a patent was proper. In other words, in order to avoid grant of a patent following the BPAI decision, a worthless rejection was made just to extend prosecution.

The letter also pointed out how prolonged prosecution was detrimentally delaying patent protection on new technology that was economically important to both the application owner and the State of Ohio. That is, the actions of the Office were putting the application owner and the State of Ohio at an “economic disadvantage.” Economic rights were violated by the Office. Federal actions carried out by the Office improperly infringed on States’ rights, in violation of the U.S. Constitution.

The record shows that Applicants’ many pleas for normal examination of their application were heard by the Office yet ignored, as evidenced by the nine non-final rejections improperly consuming ten years of patent term.

Applicants respectfully submit that the Office is not allowed to reduce a patent term by continually engaging in unnecessary application prosecution. Nor is it fair. Yet this was clearly the situation regarding this application. For example, the record shows that in the time period from the November 5, 2001 original examination (first action on the merits) of independent

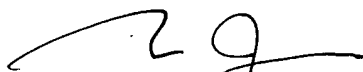
claims 1, 9, 11, 12, 13, and 16 up to the time of the Examiner's amendment of April 30, 2009, these independent claims had *never* been amended. In other words, during this time period the Office repeatedly (e.g., nine non-final rejections) and unnecessarily dragged out prosecution on the exact *same* subject matter. Furthermore, the Examiner's amendment to certain independent claims (e.g., claims 9 and 11) was merely cosmetic in nature without affecting any change in claim scope. As a result, the entire prosecution of these certain independent claims was a waste of time, as these claims could have been allowed in the first action on the merits. Because of the Office's inexcusable negligence in prosecuting this application, Applicants' petition for recoupment of lost patent term time should be granted.

### **Conclusion**

Applicants respectfully submit that their request for patent term modification should be granted for the many reasons presented herein. Applicants are aware that should their request for patent term modification be denied, then they have the right to appeal that decision (such as under 35 U.S.C. § 154(b)(4)(A)).

The undersigned is willing to discuss any aspect of the proper patent term at the Office's convenience.

Respectfully submitted,



---

Ralph E. Jocke      Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000

**Subject:** Reopening of Prosecutions

**From:** Walker & Jocke LPA <iplaw@walkerandjocke.com>

**Date:** Tue, 11 May 2004 12:15:41 -0400

**To:** James.Trammell@uspto.gov

**CC:** John.Love@uspto.gov

Mr. James Trammell  
SPE Art Unit 3621  
United States Patent Office

cc:  
Mr. John Love  
Director of Technology Center 3600  
United States Patent Office

Re: Reopening of Prosecutions

Dear Mr. James Trammell:

I seek your assistance regarding certain applications assigned to your art unit. As you are aware, compact prosecution is one of the stated goals of the Office. However, in these applications the prosecution was reopened multiple times or long after it was closed. For example, prosecution in 09/193,565 was recently reopened following a supplemental appeal brief (which had followed an earlier reopening after an Examiner's Answer). Furthermore, the Office has indicated that prosecution in 09/193,787 will be reopened even though the Board of Appeals completely reversed the examiner.

As you know, the reopening of prosecution causes unnecessary delays and is a burden to any applicant. The reopening of prosecution also gives the appearance of the Office purposely trying to wear down an applicant into abandonment. The previously mentioned prosecution reopenings must not have crossed your path, as they cannot be a part of the examining policy of your unit. It would be appreciated if you could please look into whether these prosecution reopenings constitute arbitrary and capricious actions when viewed in comparison with the compact prosecution stringently carried out in the rest of the Office.

Thank you,

Ralph E. Jocke  
330-721-0000

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Walker & Jocke  
<http://www.walkerandjocke.com>

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Ralph E. Jocke  
Patent  
&  
Trademark Law

January 25, 2005  
Via Federal Express

Mr. John Love  
Director of Technology Center 3600  
United States Patent Office  
2451 Crystal Drive, Room 3D07  
Arlington, Virginia 22202

**Re: U.S. Patent Application 09/193,787**

Dear Mr. Love:

I respectfully request a personal meeting with you to discuss the importance of U.S. Patent Application 09/193,787 which is under your jurisdiction, and the irregularities in the patent examination thereof.

It would be appreciated if you would personally review the prosecution history of U.S. Patent Application 09/193,787. Although the originally claimed invention (filed November 17, 1998) has not changed, the Application has received an inordinate number of examinations (i.e., prosecution reopenings). A reopening of prosecution is an acknowledgment by the Patent Office of an erroneous and improper prior examination. This particular Application has been subject to (so far) four prosecution reopenings.

Your Technology Center recently started yet another examination of the Application after the Patent Office's Board of Administrative Patent Judges determined that grant of a patent was proper. The most recent reopening of prosecution was based on a reference having an effective filing date after the filing date of this Application.

The owner of the Application, Diebold, Incorporated ("Diebold"), is a U.S. company headquartered in North Canton, Ohio. Diebold has been in business since 1859. Diebold has been a pioneer in developing new technology for the banking and security industry. Diebold's banking technology ranges from cash-dispensing ATMs to access control systems that protect the U.S. nuclear arsenal. Diebold ATM technology helps protect the U.S. currency system from terrorist counterfeiters. Diebold technology protects the Hope Diamond at the Smithsonian and the Declaration of Independence, the U.S. Constitution and the Bill of Rights at the National Archives.

330 • 721 • 0000  
MEDINA

330 • 225 • 1669  
CLEVELAND

330 • 722 • 6446  
FACSIMILE

rej@walkerandjocke.com  
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

Mr. John Love  
January 25, 2005  
Page 2

The Application at issue was filed to protect economic rights to what was at the time of filing, new and highly innovative ATM technology. Unfortunately, because the Patent Office has delayed patent protection, this new technology is now being widely adopted by Diebold's foreign competitors.

The economic contribution of Diebold's business is felt both in Ohio and nationally. Diebold is the only major manufacturer of ATMs who manufactures its ATM products in the U.S. Despite Ohio being one of the nation's most economically depressed states, Diebold is proud to be able to continue its long history of manufacturing in Ohio. However, continued delay by your Technology Center in allowing the Application puts the U.S. and the State of Ohio at an economic disadvantage.

I respectfully request a meeting at your earliest convenience after you have the opportunity to review the Application file. Please let me know a date and time that would be convenient for you. Thank you for your consideration.

Very truly yours,



Ralph E. Jocke

REJ/lch





D-1077+1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
<b>Jay Paul Drummond, et al.</b>	)	
	)	
Application No.: 09/193,787	)	Art Unit 3685
	)	
Confirmation No.: 2446	)	
	)	
Filed: November 17, 1998	)	Patent Examiner
	)	Jalatee Worjloh
Title: Automated Banking Machine	)	
Apparatus and System	)	

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowability dated April 30, 2009 kindly enter Applicants'

"Comments on the Statement of Reasons for Allowance" without prejudice as follows:

**Comments on the Statement of Reasons for Allowance**

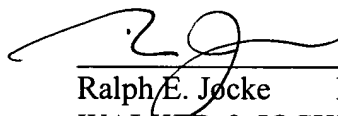
Applicants acknowledge the Office's admission that the pending claims are patentable over the prior art, and that there is no teaching, suggestion, motivation, or valid reason for one of ordinary skill in the art to have produced the recited invention.

Applicants respectfully submit that while the specific features and relationships referred to in the Statement of reasons for allowance are not disclosed or suggested in the prior art, these are not the only recited features and relationships which are not found or suggested in the prior art. It should be understood that the claims are to only be limited by that subject matter which is positively recited. Any remarks in the Statement which attempt to limit meaning of claim language and/or narrow the recited subject matter in any manner should be disregarded.

**Additional Comments**

Applicants reserve all rights to file a continuing application (e.g., divisional application) with regard to any claim, whether pending or canceled.

Respectfully submitted,



Ralph E. Jocke      Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000



D-1077+1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
<b>Jay Paul Drummond, et al.</b>	)	
	)	
Application No.: <b>09/193,787</b>	)	Art Unit 3685
	)	
Confirmation No.: <b>2446</b>	)	
	)	
Filed: <b>November 17, 1998</b>	)	Patent Examiner
	)	Jalatee Worjloh
Title: <b>Automated Banking Machine</b>	)	
<b>Apparatus and System</b>	)	

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PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowability dated April 30, 2009 kindly enter Applicants' "Comments on the Substance of Interviews" without prejudice as follows:

**Comments on the Substance of Interviews**

A series of communications were conducted in March/April 2009 between a representative (Daniel Wasil, Reg. No. 45,303) of Applicants and one of Examiner Jalatee Worjloh and SPE Calvin Hewitt. These communications resulted in the Examiner's amendment dated April 30, 2009.

SPE Hewitt initiated the communications by sending an e-mail on March 13, 2009, which was replied to by Applicants' representative on March 17, 2009. Copies of these two e-mails are attached.

SPE Hewitt initiated a phone conversation with Applicants' representative on April 6, 2009 to note language at specification page 40, lines 1-11. SPE Hewitt was interested in reaching mutual agreement on claim language that would result in application allowance. Applicants' representative indicated that the noted specification section would be considered. No agreement was reached. Applicants' representative kindly informed SPE Hewitt on April 6, 2009 that the claims were believed to be patentable, and thus any language from the noted specification section was unnecessary.

Examiner Worjloh on April 16, 2009 left a phone message proposing an Examiner's amendment to cancel all claims except for allowable claims 9-11 and 27.

Applicants' representative on April 22, 2009 kindly informed Examiner Worjloh that an informal proposed amendment for purposes of Examiner consideration was going to be faxed to her. A copy of this amendment proposed by Applicants' representative is attached. The proposed amendment was faxed to Examiner Worjloh on April 22, 2009. Remarks sent with the proposed amendment authorized Examiner Worjloh to enter it by Examiner's amendment.

The Notice of Allowability dated April 30, 2009 includes an Examiner's amendment that substantially corresponds to the amendment proposed by Applicants' representative.

Applicants' representative on June 16, 2009 sent an e-mail to Examiner Worjloh that requested clarification regarding the correction of Figures 27, 30, and 31 (as indicated on page 5 of the Notice of Allowability). The e-mail pointed to the record showing that formal Figures 27, 30, and 31 were already filed on February 4, 2002. A copy of the e-mail is attached. Examiner

Worjloh promptly provided a reply by fax (on June 16, 2009) that the drawings filed on February 4, 2002 were indeed accepted. A follow-up Office communication dated June 18, 2009 also confirmed that the pending drawings are acceptable. Therefore, as best understood by Applicants, no correction of Figures 27, 30, and 31 is required. A copies of the Examiner's reply and the Office communication are attached.

The professional courtesies shown both Examiner Worjloh and SPE Hewitt are greatly appreciated.

Respectfully submitted,



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Ralph E. Jocke      Reg. No. 31,029  
Daniel D. Wasil    Reg. No. 45,303  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000



**Subject:** 09193787  
**From:** "Hewitt, Calvin L." <Calvin.Hewitt@USPTO.GOV>  
**Date:** Fri, 13 Mar 2009 15:47:33 -0400  
**To:** ddw@walkerandjocke.com

COPY

Hello Dan,

I am sending you the following language from the Spec for your consideration and discussion-

page 40, lines 1-11.

To print a receipt, the request goes from the ATM to the home server which returns a message with a JAVA script, the ATM then responds by sending another message to the device server, the device server then responds by sending a third message back to the ATM, and in response to receiving this third message the ATM prints the receipt.

Thanks,

Calvin

**Subject:** Re: 09193787  
**From:** Walker & Jocke <iplaw@walkerandjocke.com>  
**Date:** Tue, 17 Mar 2009 08:49:01 -0400  
**To:** "Hewitt, Calvin L." <Calvin.Hewitt@USPTO.GOV>

COPY

Re: Application 09/193,787 (D-1077+1)

Dear SPE Hewitt:

I do not see how the sentence you mention relates to the claim language. For example, where do the claims recite a receipt or a server? I would be willing to consider a specific claim amendment proposed by the Office.

Thank you for your time concerning this matter.

Daniel Wasil  
Walker & Jocke  
330.721.0000

Hewitt, Calvin L. wrote:

Hello Dan,

I am sending you the following language from the Spec for your consideration and discussion-

page 40, lines 1-11.

To print a receipt, the request goes from the ATM to the home server which returns a message with a JAVA script, the ATM then responds by sending another message to the device server, the device server then responds by sending a third message back to the ATM, and in response to receiving this third message the ATM prints the receipt.

Thanks,

Calvin

--  
--

Walker & Jocke  
<http://www.walkerandjocke.com>

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Ralph E. Jocke  
Patent  
&  
Trademark Law

**FACSIMILE TRANSMISSION COVER SHEET**

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TRANSMITTING: 8 PAGES (INCLUDING THIS PAGE)

TO: Patent Examiner Jalatee Worjloh  
Art Unit 3685  
U.S. Patent and Trademark Office

TO FAX NUMBER: (571) 273-6714

SENDER: Ralph E. Jocke  
WALKER & JOCKE

SENDER FAX NO.: (330) 722-6446

SENDER PHONE: (330) 721-0000

COMMENTS: Attached is an **Informal Proposed Amendment** for the Examiner's consideration with regard to application **09/193,787** (D-1077+1).

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.6(d)**

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I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at (571) 273-6714.

Date: April 22, 2009

  
Ralph E. Jocke

330 • 721 • 0000  
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CLEVELAND

330 • 722 • 6446  
FACSIMILE

rej@walkerandjocke.com  
E-MAIL

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231 South Broadway, Medina, Ohio U.S.A. 44256-2601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
<b>Jay Paul Drummond, et al.</b>	)	
	)	
Application No.: <b>09/193,787</b>	)	Art Unit 3685
	)	
Confirmation No.: <b>2446</b>	)	
	)	
Filed: <b>November 17, 1998</b>	)	Patent Examiner
	)	Jalatee Worjloh
Title: <b>Automated Banking Machine</b>	)	
<b>Apparatus and System</b>	)	

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**Informal Proposed Amendment For Purposes Of Examiner Consideration**

In response to an invitation from the Examiner, proposed herein without prejudice is a claim amendment for the Examiner's consideration.

### Amendments to the Claims

1-8. (canceled)

9. (currently amended) A method comprising the steps of:

- a) operating a browser in at least one computer in operative connection with an automated banking machine;
- b) receiving at least one HTML format document with the browser, wherein the at least one HTML format document includes at least one transaction instruction;
- c) carrying out at least one transaction function with a transaction function device of the automated banking machine responsive to the at least one HTML format document.

10. (currently amended) The method according to claim 9 wherein the automated banking machine includes an output device in operative connection with the at least one computer, and further comprising the step of:

- d) producing an output through the output device responsive to the at least one HTML format document.

11. (currently amended) A method comprising the steps of:

- a) operating a browser in at least one computer in operative connection with an automated banking machine;
- b) receiving at least one document with the browser, wherein the at least one document includes at least one transaction instruction embedded therein;
- c) carrying out at least one transaction function with a transaction function device of the automated banking machine responsive to the at least one document including the at least one transaction instruction.

12-16. (canceled)

17. (currently amended) The method according to claim 27 [[16]] wherein the at least one transaction function device includes a note dispenser, and wherein in step (c) the portion of the banking transaction includes dispensing at least one currency note with the note dispenser.

18. (currently amended) The method according to claim 27 [[16]] wherein the at least one transaction function device includes at least one ~~reader~~ reading device, and wherein in step (c) the portion of the banking transaction includes reading indicia with the at least one reading device.

19. (currently amended) The method according to claim 18 wherein the at least one reading device includes a card reader, and wherein in step (c) indicia is read from a card.

20. (currently amended) The method according to claim 27 [[16]] wherein the at least one transaction function device includes at least one key, and wherein in step (c) the portion of the banking transaction includes sensing an input through the at least one key.

21. (currently amended) The method according to claim 27 [[16]] wherein the at least one transaction function device includes a depository, and wherein in step (c) the portion of the banking transaction includes receiving a deposit with the depository.

22. (canceled)

23. (currently amended) The method according to claim 27 [[22]] wherein the at least one computer includes browser software, and wherein ~~in step (d) the~~ at least one output is provided responsive to the browser software processing the at least one mark up language document.

24. (currently amended) The method according to claim 23 wherein ~~the output device includes a screen and wherein in step (d) the at least one output includes a visual output through the a~~ screen.

25. (currently amended) The method according to claim 27 ~~[[16]]~~ wherein in step (b) at least one HTML document is processed by the at least one computer.

26. (currently amended) The method according to claim 27 ~~[[16]]~~ wherein the automated banking machine includes an output device, and wherein in step (c) processing the at least one mark up language document is operative to cause the at least one computer to provide an output through the output device ~~and to carry out at least the portion of the banking transaction.~~

27. (currently amended) ~~The method according to claim 16 wherein the computer is operative to cause the carrying out of the portion of the banking transaction~~

A method comprising:

- a) operating an automated banking machine including at least one transaction function device, wherein the automated banking machine includes at least one computer;



- b) processing at least one mark up language document with the at least one computer;
- c) responsive to at least one software applet, carrying out at least a portion of a banking transaction with the at least one transaction function device responsive to the processing in step (b).

28-30. (canceled)

### REMARKS

The above proposed amendment has been presented to advance prosecution.

Consideration thereof is respectfully requested. No new matter would be added.

Applicants respectfully submit that entry of the above proposed amendment would place the application in condition for allowance. The Examiner is authorized to enter the above proposed amendment by Examiner's Amendment without prejudice, in order to place the application in condition for allowance.

The undersigned is willing to discuss any aspect of the Application.

Respectfully submitted,



---

Ralph E. Jocke      Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

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Ralph E. Jocke  
Patent  
&  
Trademark Law

Walker  
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Jocke a legal professional association

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TO: Patent Examiner Jalatee Worjloh  
Art Unit 3685  
U.S. Patent and Trademark Office

TO FAX NUMBER: (571) 273-6714

SENDER: Ralph E. Jocke  
WALKER & JOCKE

SENDER FAX NO.: (330) 722-6446

SENDER PHONE: (330) 721-0000

COMMENTS: Attached is an **Informal Proposed Amendment** for the Examiner's consideration with regard to application **09/193,787 (D-1077+1)**.

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**Subject:** Clarification requested in 09/193,787  
**From:** "Daniel D. Wasil" <ddw@walkerandjocke.com>  
**Date:** Tue, 16 Jun 2009 10:40:43 -0400  
**To:** Jalatec Worjloh@USPTO.gov

Dear Examiner Worjloh,

I have a question regarding allowed patent application 09/193,787 (D-1077+1). The Notice of Allowability (on page 5) requires corrected drawing figures 27, 30, and 31. However, it is not clear what correction is needed. Also, formal drawings were already filed 2/4/2002. The formal figures 27, 30, and 31 in PAIR seem fine to me.

Please provide clarification. My phone number is 330-721-0000. If no correction is needed then please fax me an Interview Summary form stating such. My fax number is 330-722-6446.

Thank you for your assistance concerning this matter.

Daniel Wasil  
Reg. No. 45303

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Walker & Jocke  
<http://www.walkerandjocke.com>

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Daniel Wasil COMPANY:



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Please see the attached communication regarding the drawings for application no. 09/193,787.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09193787	11/17/1998	DRUMMOND ET AL.	D1077+1

RALPH E. JOCKE  
walker & jocke LPA  
231 SOUTH BROADWAY  
MEDINA, OH 44256

EXAMINER
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Jalatee Worjloh

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Commissioner for Patents

The drawings filed February 4, 2002 are accepted by the Examiner.

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,787	11/17/1998	JAY PAUL DRUMMOND	D1077+1	2446

28995 7590 06/18/2009

RALPH E. JOCKE  
walker & jocke LPA  
231 SOUTH BROADWAY  
MEDINA, OH 44256

EXAMINER
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WORLOH, JALATEE

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Jalatee Worjloh

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/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685